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PFIZER INC
10555 SCIENCE CENTER DRIVE
SAN DIEGO, CA 92121

In re Patent No. 7,070,071	:	DECISION UNDER 37 CFR
Issued: July 4, 2006	:	1.705(d) and NOTICE OF
Application No. 10/657,594	:	INTENT TO ISSUE CERTIFICATE
Filed: September 8, 2003	:	OF CORRECTION
Atty. Dkt. No.: PC27730A	:	

This is a decision on the PETITION UNDER 37 C.F.R. § 1.181," filed July 3, 2006. This matter is being properly treated under 37 CFR 1.705(d) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The above-identified application matured into U.S. Patent No. 7,070,071 on July 4, 2006. The instant request for reconsideration was timely filed July 3, 2006 in accordance with 37 CFR 1.705(d). The patent issued with a PTA of 216 days. Patentees argue that the patent is entitled to an adjustment of 244 days.

At the time of issuance, the adjustment totaling 386 days was reduced 170 days for applicants' failure to engage in reasonable efforts to conclude prosecution or processing.

The adjustments for Office delays were as follows: 365 days under 37 CFR 1.702(a)(1) and 1.703(a)(1) and 21 days under 37 CFR 1.702(a)(4) and 1.703(a)(6).

The reductions for applicants' delays were as follows: 28 days under 37 CFR 1.704(b) (in connection with the reply to the Notice to File Missing Parts submitted April 12, 2004); 73 days under 37 CFR 1.704(c)(10) (in connection with the IDS submitted January 30, 2006); and 69 days under 37 CFR 1.704(c)(10) (in connection with the IDS submitted April 27, 2006).

Review of the record reveals that the reduction of 69 days is in error and that the correct reduction in connection with the IDS submitted April 27, 2006 is 22 days. The reduction began April 27, 2006, the date the IDS was filed, and ended May 18, 2006,

the date the Supplemental Notice of Allowance in response to the IDS was mailed. See, 37 CFR 1.704(c)(10).

Patentees acquiesced to the reductions of 73 days and 69 days (the reduction of 69 days has been sua sponte recalculated to 22 days as indicated herein). Patentees presumably contest the reduction of 28 days in connection with applicants' response to the Notice to File Missing Parts mailed December 15, 2003.

As to the reduction of 28 days under 37 CFR 1.704(b), patentees are reminded that any request for reconsideration under 37 CFR 1.705 that raises issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR 1.705(b) shall be dismissed as untimely as to those issues. As the 28 day reduction contested by patentee could have been raised under 37 CFR 1.705(b), patentees' request for reconsideration of said reduction is dismissed.

Accordingly, at the time of issuance, the patent was entitled to an overall adjustment of 263 days.

The required application fee of \$200.00 has been charged to Deposit Account 50-0329 as authorized.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date of the instant decision indicated above. Extensions under 37 CFR 1.136 will not be permitted.

The address indicated on the application for patent term adjustment differs from the correspondence address of record. If practitioner desires to receive future correspondence regarding this patent, the appropriate change of correspondence address documentation must be submitted. A courtesy copy of this decision will be mailed to practitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 263 days.

Telephone inquiries specific to this matter may be directed to
Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery AF

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

CC: EDWARD D. ROBINSON
AGOURON PHARMACEUTICALS, INC./A PFIZER COMPANY
PATENT DEPARTMENT
10777 SCIENCE CENTER DRIVE
SAN DIEGO, CA 92121

Day : Friday
 Date: 3/2/2007
 Time: 10:14:04

PALM INTRANET

PTA Calculations for Application: 10/657594

Application Filing Date:	09/08/2003	PTO Delay (PTO):	386
Issue Date of Patent:	07/04/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	170
Post-Issue Petitions:	0	Total PTA (days):	263
PTO Delay Adjustment:	47		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
63	03/02/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	69		
62	03/02/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		22	
58	07/04/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	21		43
57	06/01/2006	EXPORT TO FINAL DATA CAPTURE			
56	05/31/2006	DISPATCH TO FDC			
55	04/27/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
54	05/18/2006	MAILING CORRECTED NOTICE OF ALLOWABILITY			
53	05/15/2006	CORRECTED NOTICE OF ALLOWABILITY			
52	04/27/2006	REFERENCE CAPTURE ON IDS			
51	04/27/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		69	50
50	04/12/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
49	04/10/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
48	01/30/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	03/02/2006	FINISHED INITIAL DATA CAPTURE			
46	01/30/2006	REFERENCE CAPTURE ON IDS			
45	01/30/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		73	50
44	02/28/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
43	02/13/2006	ISSUE FEE PAYMENT VERIFIED			
42	02/13/2006	ISSUE FEE PAYMENT RECEIVED			
41	01/25/2006	EXPORT TO INITIAL DATA CAPTURE			

38	01/20/2006	MAIL NOTICE OF ALLOWANCE			
37	01/19/2006	ISSUE REVISION COMPLETED			
36	01/19/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
35	01/09/2006	NOTICE OF ALLOWABILITY			
34	01/06/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
33	04/12/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	12/17/2005	DATE FORWARDED TO EXAMINER			
31	12/12/2005	RESPONSE AFTER EX PARTE QUAYLE ACTION			
30	11/08/2005	MAIL EX PARTE QUAYLE ACTION (PTOL - 326)	365		-1
29	11/03/2005	EX PARTE QUAYLE ACTION			
28	05/10/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
27	05/10/2004	CASE DOCKETED TO EXAMINER IN GAU			
26	04/12/2004	REFERENCE CAPTURE ON IDS			
25	04/12/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	04/12/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
23	09/08/2003	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
22	09/08/2003	PRELIMINARY AMENDMENT			
21	04/26/2004	APPLICATION RETURN FROM OIPE			
20	04/26/2004	APPLICATION RETURN TO OIPE			
19	04/26/2004	APPLICATION RETURN FROM OIPE			
18	04/27/2004	APPLICATION IS NOW COMPLETE			
17	04/26/2004	APPLICATION RETURN TO OIPE			
16	04/26/2004	APPLICATION RETURN FROM OIPE			
15	04/27/2004	APPLICATION IS NOW COMPLETE			
14	04/26/2004	APPLICATION RETURN TO OIPE			
13	04/26/2004	APPLICATION RETURN FROM OIPE			
12	04/26/2004	APPLICATION IS NOW COMPLETE			
11	04/26/2004	APPLICATION RETURN TO OIPE			
10	04/26/2004	APPLICATION DISPATCHED FROM OIPE			
9	04/26/2004	APPLICATION IS NOW COMPLETE		-	
8	04/12/2004	ADDITIONAL APPLICATION FILING FEES		28,	6
		A STATEMENT BY ONE OR MORE INVENTORS			

7	04/12/2004	SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	12/15/2003	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	11/20/2003	CASE CLASSIFIED BY L&R			
3	11/20/2003	CLEARED BY OIPE CSR			
2	11/04/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/08/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,070,071 B2

DATED : July 4, 2006

INVENTOR(S) : Pavlu, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 216 days

Delete the phrase "by 216 days" and insert – by 263 days--